

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHARLES SMITH, JR., #129 560,	)	
	)	
Petitioner,	)	
	)	CIVIL ACTION NO.
v.	)	2:05-CV-935-MHT
	)	[WO]
JAMES DELOACH, WARDEN, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**OPINION**

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on October 24, 2007 (Doc. #12), that the petition for habeas corpus relief filed by Charles Smith, Sr., be denied and dismissed with prejudice as Smith failed to file the petition within the one-year period of limitation set forth in 28 U.S.C. § 2244(d)(1).

After a review of the recommendation, to which Plaintiff did not object, and after an independent and de novo review of the entire record, the court believes that the recommendation should be adopted.

An appropriate order will be entered.

Done this the 28th day of November, 2007.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE